IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1184 OF 2005

The Laxmi Co-operative Processors Limited ...Petitioner

Versus

The Assistant Provident Fund Commissioner and Recovery Officer, Employees Provident Fund Organisation, SRO Kolhapur ...Respondent

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Mr. M.S. Topkar, counsel for Petitioner
Mr. Sureshkumar, counsel for Respondent.

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CORAM: B. H. MARLAPALLE, J.
DATED: 20TH APRIL, 2005

P. C.:-

1. Heard Mr. Topkar, the learned counsel for the petitioner Company and Mr. Sureshkumar the learned Standing Counsel for the Respondent.

2. Against the order passed U/Sec. 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 ("the P.F. Act" for short), on 30.3.2004, the petitioner had submitted Review Application u/Sec.7B of the P.F. Act. Without deciding the said application, it is alleged that the respondent issued Show Cause Notice dated 2.7.2004 and subsequently on the basis of the show cause notice has issued the arrest warrant. On the same date attachment order dated 14.2.2005 has been passed by the respondent and hence, this petition.

3. Affidavit in reply has been filed by the respondent and it has been stated, interalia, that as regards the application of Section 7B for review under Section 7A, no new point was raised in the said application and it was within limitation of the issue discussed in the written statement dated 4.3.2004. The competent authority therefore, did not deem to have considered the same review application.

4. Section 7B(2) of the P.F. Act states that civil application fore review under sub Section 1 shall be filed in such form and manner and within such time as may be specified in the scheme and as per sub section 3, where it appears to the Officer receiving application for review that there is no sufficient ground for review, he shall reject the application. Sub Section 5 of Section 7B states that no appeal shall lie against the order of the Officer rejecting application for review, but an appeal under P.F. Act shall lie against an order passed under review as if the order passed under review were the original order passed by him under Section 7A. The scheme of Section 7B thus indicates that an application for review is statutory remedy to be invoked within a specified period and if the officer receiving such application does not find sufficient ground for review, he shall reject the said application. The

order deciding the review application must be therefore, a reasoned order and one line order of rejection are not the fit case to entertain the review, will not suffice the statutory requirements. Mr. Topkar, the learned counsel for the petitioner submitted that on the review application, no order has been passed and intimated to the petitioner by the respondent.

5. This petition can be therefore, disposed of right at this stage with the directions to the respondents to hear and decide the review application afresh and within a fixed period.

6. It is accordingly directed that the review application be heard and decided afresh on its own merits as expeditiously as possible and in any case before 31.5.2005. The petitioner shall appear through an Officer or an advocate before the respondent on 27.4.2005 at 11.00 a.m. and no adjournment shall be sought by the petitioner. The impugned order of attachment dated 14.2.2005 shall remain suspended till the review application is decided and it is made clear that if the review application goes against the petitioner, the remedy of appeal will have to be invoked.

7. The petition is disposed of in terms of the above

directions.

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